



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2005-34**

October 10, 2005

Robert Wilks
58 Emerald Drive
Hillsborough, NH 03244

RE: DES Wetlands File #2002-02049 58 Emerald Drive, Hillsborough

Dear Mr. Wilks:

On August 30, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Hillsborough Tax Map 16 as Lot 285 (the "Property"). The purpose of the inspection was to determine compliance with RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411 and RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection and further file review the following deficiencies were documented:

1. A sloped beach measuring approximately 15 feet wide by 19 feet deep was documented on the frontage extending into the water. The DES Wetlands Bureau has no record of a permit issued for the construction of a beach on the property;
2. Two water dependant structures ("dock") were documented on the property. One dock was located on the west side of the property within 20 feet of the abutting property and measured approximately 3 feet wide and extended 20 feet into the water. The second dock was located on the east side of the property and measured approximately 3 feet wide and extended 18 feet into the lake. The DES Wetlands Bureau approved seasonal dock notification #2003-1227 for placement of one dock on the frontage (copy of seasonal dock conditions enclosed).

In response, you are requested to take the following actions:

1. Within 10 days of receipt of this letter, permanently remove one dock noted in item #1 above, and locate the remaining dock a minimum of 20 feet from an abutting property line. Submit a site plan with dimensions and photos to the Wetlands Bureau within 20 days, documenting that you have brought the docking structures into compliance;
2. Within 10 days of receipt of this letter install silt fence across the frontage to contain the sand from entering the lake. Within 20 days of completing the installation of silt fence submit photos to the file.
3. The DES Wetlands Bureau no longer approves the construction of sloped beaches along lake front property, though a property owner can apply for a perched beach. Therefore, within 10 days of receipt of this Letter of Deficiency, contact the Wetlands Bureau to discuss the options for removal of the beach or how you could apply to construct a perched beach.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,


COPY
Collis C. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 2510 0003 1195 8237

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Hillsborough Conservation Commission
Hillsborough Board of Selectmen
USACOE